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13  
14 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
15

16 CHARLES BOLDING; DONNA EHLERT;  
17 WAYNE HARRIS; and TONI VARAY,

18 Plaintiffs,

19 vs.

20 NAV-LVH CASINO, LLC dba WESTGATE  
21 LAS VEGAS RESORT & CASINO, a Nevada,  
22 Limited Liability Company; WESTGATE LAS  
23 VEGAS RESORT, LLC, a Delaware Limited  
Liability Company; WESTGATE RESORTS,  
INC., a Florida Corporation,

24 Defendants.  
25

**Case No.: 2:16-cv-00617- RFB-CWH**

**[PROPOSED] STIPULATION FOR  
EXTENSION OF TIME FOR  
DISCOVERY  
(SIXTH REQUEST)**

26 Pursuant to Local Civil Rule 6-1(a), Defendant NAV-LVH, LLC dba Westgate Las Vegas  
27 Resort & Casino (“NAV-LVH” or Defendant) and Plaintiffs CHARLES BOLDING, DONNA  
28 EHLERT, WAYNE HARRIS, and TONI VARAY (“Ms. Varay”) (collectively the “Plaintiffs”),

1 by and through their respective counsel of record, hereby stipulate as follows:

2 **Relevant Procedural Posture and Facts**

3 1. On or about January 16, 2018, this Court granted the parties' fifth request for an  
4 extension of the discovery deadline based, in part, on the pending Motion to Substitute Party  
5 dealing with a representative for Plaintiff Toni Varay who died in 2016.

6 2. Plaintiff's Motion to Substitute Party was denied without prejudice on November  
7 30, 2017. Plaintiff has accepted this ruling and will not be proceeding further on behalf of Ms.  
8 Varay.

9 3. Currently, the discovery deadline is June 6, 2018. This request is timely as it has  
10 been filed more than 21 days from the discovery deadline as required by the Rules. This request is  
11 not the result of undue delay. Neither of the parties will be harmed by an extension and both  
12 represent that such request is needed in the interest of justice.

13 4. As required by Rule 26-4 of the Local Rules of Practice for the United States  
14 District Court for the District of Nevada ("Local Rules"), this sixth request for an extension of the  
15 discovery deadline is fully supported by "good cause" as discussed below.

16 **(a) A statement specifying the discovery completed.**

17 To date, the parties have exchanged initial Rule 26 disclosures as well as written  
18 discovery. Since the last request for extension of the discovery deadlines, two key depositions  
19 were taken in December 2017, in addition to the three current Plaintiffs. Due to the number of  
20 Plaintiffs in this case, the deposition of Tim Cook, the Security Director, was continued; it was  
21 initially scheduled to proceed in February, 2017.<sup>1</sup>

22 Unfortunately, due to scheduling issues, the parties have not been able to complete this  
23 deposition. The deposition of Ms. Beatrice Vattima, the former Labor Relations Manager involved  
24 in this case and in another matter pending in this Court has been delayed because she moved to  
25 \_\_\_\_\_

26  
27 <sup>1</sup> The deposition of Joe Barnes took place on December 5, 2017 and the deposition of Damien  
28 Descant was scheduled for December 5, 2017, but was cancelled by Plaintiffs' counsel on the  
morning of the deposition. The deposition of Tim Cook took place on December 6, 2017, but was  
not concluded.

1 California and while she was amenable to appear for deposition while in Nevada, that is no longer  
2 the case. The parties are working with her to find a suitable time to depose her in this matter and  
3 another age discrimination case to minimize the impact and disruption to this witness. The parties  
4 have made contact and are currently attempting to schedule her deposition.

5 During the deposition of Tim Cook in December, 2017, counsel stated that he wanted to  
6 take the deposition of another three (3) employees. Defendant has agreed to produce those who  
7 are still working but the parties have had problems locating the witnesses that no longer work for  
8 the Defendants. Because of some testimony in Mr. Cook's deposition these witnesses have  
9 become very relevant.

10 Defendant propounded additional written discovery upon Plaintiffs which Plaintiff has  
11 responded to. Likewise, the parties are trying to resolve various pending discovery disputes and  
12 they are hopeful that with the extension, they can be fully resolved or in the alternative, to narrow  
13 the scope of what will need to be presented to the Court. In the past, the parties have worked  
14 diligently to resolve issues without Court involvement; we are hopeful that no further disputes will  
15 need to be adjudicated by this court.

16 Further, counsel for both parties have other cases before this Court which involve  
17 overlapping witnesses to some extent and, thus, the attorneys for both parties are coordinating the  
18 scheduling of the depositions in such cases to minimize the burden on the witnesses and travel for  
19 out-of-state counsel.

20 Lastly, and perhaps more importantly, counsel are continuing to engage in settlement talks  
21 that would benefit from this extension as the parties would not be forced to spend significant time  
22 and money in particular as it relates to out-of-state witnesses.

23 Counsel for the parties as always are working cooperatively to complete discovery;  
24 however, additional time is necessary as described above.

25  
26 **(b) The parties have Good Cause to extend the deadline.**

27 As discussed above, the parties have continued to litigate this case diligently despite some  
28 of the logistical hurdles presented. Unfortunately, some witnesses have moved out of state

1 creating the need for an extension. Lastly, as a sufficient amount of discovery has occurred, the  
2 parties are in a better position to engage in meaningful settlement discussions. The parties would  
3 request a stay of the discovery during this time to avoid incurring further costs that may impact  
4 settlement discussions, including travel costs associated with a mediation.

5 WHEREAS, the parties stipulate to extend the discovery deadline, up to and including,  
6 July 21, 2018, and further stipulate to an extension of time for the remaining affected deadlines as  
7 follows:

<u>Activity</u>	<u>Former Date</u>	<u>Requested Date</u>
Discovery Cut-Off Date	06/06/18	07/21/18
Dispositive Motions	07/11/18	08/25/18
Pretrial Order	08/09/18	09/23/18 <sup>2</sup>

12 WHEREAS, this Stipulation is not being filed for purposes of delay, but rather for good  
13 cause based on the reasons set forth above.

14 WHEREAS, this Stipulation constitutes the parties' sixth request for an extension of time  
15 to conduct discovery, and this Stipulation is being filed more than twenty-one (21) days from the  
16 current discovery deadline as required by Local Rule 26-4.

17 WHEREAS, the parties understand that, pursuant to Local Rule 26-4, any further extension  
18 must be made at least twenty-one (21) days before the deadline at issue.

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28 <sup>2</sup> Or 30 days after the decision on the last dispositive motion.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through  
2 their respective counsel, that the parties will complete discovery in the instant case by July 21,  
3 2018, and that the remaining deadlines shall also be extended as provided above.

4 DATED this 10<sup>th</sup> day of May, 2018.

5 Law Offices of Michael P. Balaban

Greenspoon Marder LLP

6 /s/ Michael P. Balaban

/s/ Phillip A. Silvestri

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Attorneys for Defendant

21 Attorneys for Defendant

22 IT IS SO ORDERED

23  
24 UNITED STATES MAGISTRATE JUDGE

25 June 26, 2018

26 DATED: \_\_\_\_\_  
27  
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